

REMARKS

Claims 1-3, 9, and 13 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Parikh (U.S. Patent No. 6,408,177), and claims 4-8, 10-12 stand rejected under 35 U.S.C. § 103as being unpatentable Parikh in view of Coad (U.S. Patent No. 5,966,652). Claims 1-13 are pending.

Applicants respectfully submit that the present application was filed on January 25, 2001, claiming priority based on Korean Patent application, which was filed on January 28, 2000. Parikh reference was filed before the present application on February 9, 2000 and issued after the present application on June 18, 2003. Accordingly, the present application has an earlier foreign filing date than the filing date of Parikh reference. As such, Parikh reference would not be patent-defeating reference under 102(e). To support this, a copy of English translation of Korean Application filed on January 28, 2000 is enclosed herein.

Therefore, for at least this reason, Applicants submit that all pending claims 1-3, 9 and 13 are allowable over the prior arts.

Claim 5 has been amended to further clarify the subject matter of the present invention. In particular, claim 5 has been amended to recite: "detecting a message having a plurality of optional response messages stored in a portable digital phone of said receiving party, said plurality of optional response messages is selectively provided by said sending party".

Parikh, as read by applicant, discloses a system and method for call management by providing short message service with the menu information (Fig. 7) in which the call management system assembles a message including the telephone number of the subscriber, the caller's

telephone number or other identifying information, and a menu of options to the subscriber for a display. Then, the call management system rejects or accepts the incoming call based on the information selected by the called party or forwards it to a voice mail. The menu of options in Parikh which the Examiner relies to reject claim 5 is predetermined options (FIG. 7).

In contrast, the optional messages in the present invention are inputted by the sending party at the time of sending the regular short messages for a subsequent selection by the receiving party, as amended in claim 5. Further, although Coad discloses that the messages and phone numbers are stored in the memory, nowhere in Coad teaches that the optional messages provided by the sending party are stored in the memory.

Applicant respectfully submits that Parikh and Coad, either alone or in combination, show or teach that the a message having a plurality of optional response messages is stored in a portable digital phone of said receiving party and that said plurality of optional response messages is selectively provided by said sending party, as recited in independent claim 5.

Other dependent claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

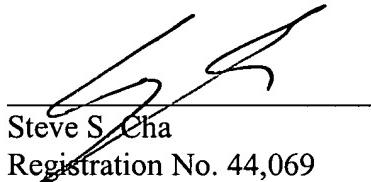
CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned at the telephone number listed below. If there are any fees due and owing, please charge Deposit Account No. 502-470.

Respectfully submitted,
CHA & REITER

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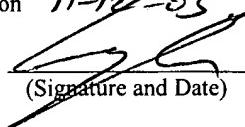
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